

By: Rodríguez

S.B. No. 258

A BILL TO BE ENTITLED

AN ACT

relating to anatomical gifts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 692A.005(b), Health and Safety Code, is amended to read as follows:

(b) A donor or other person authorized to make an anatomical gift under Section 692A.004 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person, or be acknowledged before a notary public; and

(2) state that the record has been signed and witnessed or acknowledged as provided in Subdivision (1).

SECTION 2. Section 692A.006(b), Health and Safety Code, is amended to read as follows:

(b) A record signed pursuant to Subsection (a)(1)(C) must:

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request

1 of the donor or the other person, or be acknowledged before a notary
2 public; and

3 (2) state that the record has been signed and
4 witnessed or acknowledged as provided in Subdivision (1).

5 SECTION 3. Section 692A.007(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) A record signed pursuant to Subsection (a)(1)(B) must:

8 (1) be witnessed by at least two adults, at least one
9 of whom is a disinterested witness, who have signed at the request
10 of the individual, or be acknowledged before a notary public; and

11 (2) state that the record has been signed and
12 witnessed or acknowledged as provided in Subdivision (1).

13 SECTION 4. Chapter 692, Health and Safety Code, is
14 repealed.

15 SECTION 5. Sections 692A.005, 692A.006, and 692A.007,
16 Health and Safety Code, as amended by this Act, apply only to the
17 validity of a document executed on or after the effective date of
18 this Act. The validity of a document executed before the effective
19 date of this Act is governed by the law in effect on the date the
20 document was executed, and that law continues in effect for that
21 purpose.

22 SECTION 6. (a) Except as otherwise provided in this
23 section, the changes in law made by this Act apply to:

24 (1) a record described by Section 692A.005, 692A.006,
25 or 692A.007, Health and Safety Code, as amended by this Act, created
26 before, on, or after the effective date of this Act; and

27 (2) a judicial proceeding concerning a record

1 described by Subdivision (1) of this subsection that:

2 (A) commences on or after the effective date of
3 this Act; or

4 (B) is pending on the effective date of this Act.

5 (b) If the court finds that application of a provision of
6 this Act would substantially interfere with the effective conduct
7 of a judicial proceeding concerning a record described by
8 Subsection (a)(1) of this section that is pending on the effective
9 date of this Act or prejudice the rights of a party to the
10 proceeding, the provision of this Act does not apply, and the law in
11 effect immediately before the effective date of this Act applies in
12 those circumstances.

13 SECTION 7. This Act takes effect September 1, 2019.